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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,955	10/25/2000	Michael David Billingsley	AMOL-0001	3136

27964 7590 07/13/2004

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EXAMINER
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JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 07/13/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/695,955

Applicant(s)

BILLINGSLEY ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to Applicants' Amendment and Request for Reconsideration filed on April 23, 2004. Claims 1-30 are present for further examination. Newly added claims 31-46 by Applicant are also presented for examination.

### ***Claim Objections***

1. Claims 33, 39 and 44 are objected to because of the following informalities: the word "generater" is misspelled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (hereinafter, "Walker", 6,616,458) in view of Pinsley et al (hereinafter, "Pinsley", 6,070,145).

As per claims 1 and 11, Walker discloses a screening and survey selection system and method comprising:

- a survey queue having a plurality of queue slots, each of said plurality of queue slots including a survey available for a respondent (col. 3, lines 13-21, col. 4, lines 48-65 and col. 5, lines 14-33); and

- a screener block question generator adapted to develop a plurality of screener block questions that determine if said respondent is qualified to participate in a survey corresponding to said selected one of said plurality of queue slots (col. 5, lines 58-67 and col. 6, lines 1-6).

However, Walker does not explicitly disclose:

- a random number generator adapted to generate a number pertaining to a selected one of said plurality of queue slots as a function of at least one characteristic associated with said respondent.

In an analogous art, Pinsley discloses a respondent selection method for network-based survey including:

- a random number generator adapted to generate a number pertaining to a selected one of said plurality of queue slots as a function of at least one characteristic associated with said respondent (col. 2, lines 26-34).

Given the teaching of Pinsley, it would have been obvious to one of ordinary skill in the art to modify Walker by including a random process to select a participant/survey to use in order to gather data on a variety of facts and opinions thereby minimizing the self-selection bias.

As per claim 22, Walker discloses a computer system for effecting a screening and survey selection system over a computer network, comprising:

- a database coupled to said computer network and including a survey queue having a plurality of queue slots, each of said plurality of queue having a plurality of queue slots including a survey available for respondent (col. 4, lines 16-22, lines 31-40 and lines 50-65).

a server associated with said database, including:

- a screener block question generator adapted to develop a plurality of screener block questions that determine if said respondent is qualified to participate in a survey corresponding to said selected one of said plurality of queue slots (col. 5, lines 58-67 and col. 6, lines 1-6).

However, Walker does not explicitly disclose:

- a random number generator adapted to generate a number pertaining to a selected one of said plurality of queue slots as a function of at least one characteristic associated with said respondent.

In an analogous art, Pinsley discloses a respondent selection method for network-based survey including:

- a random number generator adapted to generate a number pertaining to a selected one of said plurality of queue slots as a function of at least one characteristic associated with said respondent (col. 2, lines 26-34).

Given the teaching of Pinsley, it would have been obvious to one of ordinary skill in the art to modify Walker by including a random process to select a participant/survey to use in order to gather data on a variety of facts and opinions thereby minimizing the self-selection bias.

As per claims 2, 12 and 22, Walker further discloses:

- an access and control subsystem adapted to determine access rights of said respondent (col. 6, lines 38-50, lines 64-67, col. 7, lines 1-4 and lines 15-23).

As per claims 3, 13 and 23, Walker further discloses:

Art Unit: 2157

- a control database that contains attributes associated with said respondent (col. 6, lines 38-63).

As per claims 4, 14 and 24, Walker discloses wherein said attributes are selected from the group consisting of:

- a screen name of said respondent (col. 6, lines 51-63);
- a login identification of said respondent (col. 6, lines 51-63 and col. 7, lines 15-23);
- category codes for past surveys and completion dates of said past surveys taken by said respondent (col. 6, lines 51-63); and
- last entry data to said screening and survey selection system by said respondent (col. 6, lines 51-63).

As per claims 5, 15 and 25, Walker further discloses:

- a master screen adapted to develop questions that determine said characteristics (col. 5, lines 58-67 and col. 6, lines 1-6).

As per claims 6, 16 and 26, Walker discloses wherein said characteristics are selected from a group consisting of:

- a zip code of residence of said respondent (col. 6, lines 51-63);
- an age of said respondent (col. 6, lines 51-63);
- a gender and ethnic background of said respondent (col. 6, lines 51-63);
- occupational information and composition of a household of said respondent (col. 6, lines 51-63); and
- decision making criteria of said household of said respondent (col. 6, lines 51-63).

As per claims 7, 17 and 27, Walker further discloses:

- a quota subsystem adapted to determine an availability of said survey corresponding to said selected one said plurality of queue slots (col. 4, lines 16-22, lines 31-40 and lines 50-65).

As per claims 8, 18 and 28, Walker further discloses:

- a survey quota file that contains status information regarding surveys located in said survey queue (col. 4, lines 16-22, lines 31-40 and lines 50-65).

As per claims 9, 19 and 29, Walker further discloses:

- a survey engine adapted to monitor a number of respondents accessing said screening and survey selection system.

As per claims 10, 20 and 30, Walker further discloses:

- crediting file that contains benefit information associated with said respondent (col. 4, lines 16-22, lines 31-40 and lines 50-65).

As per claims 31 and 42, Walker discloses the invention substantially as claimed as discussed above.

However, Walker does not explicitly disclose:

- wherein the random number generator comprises a weighted random number generator.

In an analogous art, Pinsley discloses a respondent selection method for network-based survey including:

- wherein the random number generator comprises a weighted random number generator (col. 2, lines 26-34).

Given the teaching of Pinsley, it would have been obvious to one of ordinary skill in the art to modify Walker by including a random process to select a participant/survey according to a

number in order to gather data on a variety of facts and opinions in a timely and efficient manner.

As per claims **32, 38** and **43**, Walker discloses:

- a first queue slot and a second queue slot, a level of difficulty in qualifying for first survey included in the first queue slot and a level of difficulty in qualifying for a second survey included in the second queue slot (col. 8, lines 6-18 and col. 11, lines 22-38).

However, Walker does not explicitly disclose:

- a weighted number generator that distinguish a level of weight to be assigned to the first and the second queue slots based on the realized levels of difficulty associated therewith.

In an analogous art, Pinsley discloses a respondent selection method for network-based survey including:

- a weighted number generator that distinguish a level of weight to be assigned to the first and the second queue slots based on the realized levels of difficulty associated therewith (col. 2, lines 26-34).

Given the teaching of Pinsley, it would have been obvious to one of ordinary skill in the art to modify Walker by including a random process to select a participant/survey according to a number in order to gather data on a variety of facts and opinions in a timely and efficient manner.

As per claims **33, 39** and **44**, Walker discloses the invention substantially as claimed as discussed above:

However, Walker does not explicitly disclose:



- wherein the weighted random number generator is configured to assign a level of weight to the first queue slot that is greater than the level of weight assigned to the second queue slot when the level of difficulty in qualifying for the first survey is greater than the level of difficulty in qualifying for the second survey.

In an analogous art, Pinsley discloses a respondent selection method for network-based survey including:

- wherein the weighted random number generator is configured to assign a level of weight to the first queue slot that is greater than the level of weight assigned to the second queue slot when the level of difficulty in qualifying for the first survey is greater than the level of difficulty in qualifying for the second survey (col. 2, lines 26-34).

Given the teaching of Pinsley, it would have been obvious to one of ordinary skill in the art to modify Walker by including a random process to select a participant/survey according to a number in order to gather data on a variety of facts and opinions in a timely and efficient manner.

As per claims 34 and 45, Walker discloses:

- wherein the screener block question generator is adapted to develop a plurality of screener block questions (col. 5, lines 58-67 and col. 6, lines 1-6).

However, Walker does not explicitly disclose:

- after the random number generator generates the number.

In an analogous art, Pinsley discloses a respondent selection method for network-based survey including:

- after the random number generator generates the number (col. 2, lines 26-34).

Given the teaching of Pinsley, it would have been obvious to one of ordinary skill in the art to modify Walker by including a random process to select a participant/survey according to a number in order to gather data on a variety of facts and opinions in a timely and efficient manner.

As per claims 35, 41 and 46, Walker discloses:

- wherein the screener block question generator is adapted to develop a plurality of screener block questions that correspond to a subset of all screener block questions associated with the surveys included in the plurality of queue slots (col. 5, lines 58-67 and col. 6, lines 1-6).

As per claim 36, Walker discloses the invention substantially as claimed as discussed above.

However, Walker does not explicitly disclose:

- generating a number using a random number generator.

In an analogous art, Pinsley discloses a respondent selection method for network-based survey including:

- generating a number using a random number generator (col. 2, lines 26-34).

Given the teaching of Pinsley, it would have been obvious to one of ordinary skill in the art to modify Walker by including a random process to select a participant/survey according to a number in order to gather data on a variety of facts and opinions in a timely and efficient manner.

As per claim 37, Walker discloses the invention substantially as claimed as discussed above.

However, Walker does not explicitly disclose:

- generating a number using a weighted random number generator.

In an analogous art, Pinsley discloses a respondent selection method for network-based survey including:

generating a number using a weighted random number generator (col. 2, lines 26-34).

Given the teaching of Pinsley, it would have been obvious to one of ordinary skill in the art to modify Walker by including a random process to select a participant/survey according to a number in order to gather data on a variety of facts and opinions in a timely and efficient manner.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,618,746 to Desai et al

U.S. Pat. No. 6,189,029 to Fuerst

U.S. Pat. No. 6,236,975 to Boe et al

U.S. Pub. No. 2002/0002482 to Thomas


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
July 1, 2004

  
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SUPERVISORY PATENT EXAMINER  
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